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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

| | | |
|-----------------------------|---|--------------------------------------|
| MICHAEL SCHULZE, |) | 1:05-cv-00180-AWI-LJO |
| |) | |
| Plaintiff, |) | EX PARTE REQUEST TO EXTEND |
| |) | DEFENDANTS' TIME BY WHICH TO |
| v. |) | RESPOND TO AMENDED COMPLAINT; |
| |) | [PROPOSED] ORDER |
| FEDERAL BUREAU OF |) | |
| INVESTIGATION, DRUG |) | [Local Rule 6-144(c)] |
| ENFORCEMENT ADMINISTRATION, |) | |
| UNITED STATES MARSHALS |) | |
| SERVICE and DEPARTMENT OF |) | |
| JUSTICE, |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

The United States of America requests an extension of time by which defendants Federal Bureau of Investigation, Drug Enforcement Administration, United States Marshals Service and Department of Justice ("defendants") must respond to plaintiff's Amended Complaint, filed on August 12, 2005. Defendants base their request on Eastern District Local Rule 6-144(c), as well as the following reasons:

1. Defendants are each federal agencies, and plaintiff sues them on allegations rooted in the Freedom of Information

1 Act. Accordingly, defendants will likely be represented by the
2 United States Attorney's Office.

3 2. To date, plaintiff has not completed service with
4 respect to two of the four defendants. In addition, the
5 undersigned has thus far had difficulty contacting the agent(s)
6 of one of the served defendants with knowledge of this action.

7 3. Good cause exists in support of this request. The
8 properly served defendants cannot obtain a stipulation for this
9 extension, in that plaintiff has recently advised them and the
10 court through a prior filing that he is in the midst of
11 transferring locations as an inmate within the United States
Bureau of Prisons.

12 4. Based on the above, and to enable the United States
13 Attorney's Office to respond to the Amended Complaint on behalf
14 of all defendants at one time, defendants respectfully request
15 that the Court extend defendants' time to respond until: (1) 30
16 days after plaintiff has notified the United States Attorney's
17 Office that the last defendant in this action has been properly
18 served, or (2) 60 days from the date of this filing (or, until
19 December 19, 2005), whichever is later.

20 Respectfully submitted,

21 Dated: October 19, 2005

McGREGOR W. SCOTT
United States Attorney

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23 By: /s/ Brian W. Enos _____
24 BRIAN W. ENOS
25 Assistant U.S. Attorney
Attorneys for Defendant
United States of America

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ORDER

IT IS SO ORDERED.

Dated: October 20, 2005
66h44d

/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE